

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby enthusiastically proclaim and extends it's congratulations on his accomplishment to the rank of Eagle Scout; and

BE IT FURTHER RESOLVED, that an original signed proclamation be forwarded under the Great Seal of the Town of Poughkeepsie, Dutchess County, State of New York, to Joshua Brace.

**DATED: POUGHKEEPSIE, NEW YORK
April 8, 2015**

BY: TODD N. TANCREDI, Supervisor

Supervisor Tancredi: Joshua did his work at our new ballpark in the Fifth Ward Area, Tilcon Park and there was a lot of cleaning and raking to make our field safe and playable as well as a walking path around the entire park and so I don't know how many hours you put in, do you know how many? (Lots) Ok, many hours and so we want to commend him on his hard work and we appreciate him doing this work on behalf of the Town of Poughkeepsie and all the residents of the Town and we congratulate you on reaching the rank of Eagle Scout.

Supervisor Tancredi: We have one other proclamation to present tonight. This is a gentleman who has been here before, Mr. John Freni. I made Mr. Freni a deal last year and he was here when we celebrated his 100th Birthday and I told him every Birthday we would have him back for a proclamation and to honor him again and so in January he reached his 101st Birthday and so he is an active member of our Senior Center and he likes to go and there is a particular card game he fancies there he likes to play. I have a Proclamation I would like to read.

PROCLAMATION

Whereas, On January 10, 1914, in Manhattan New York, John Freni was born and became the eldest sibling of two sisters and one brother and as of January 10, 2015 celebrated the milestone of reaching his 101st year; and

WHEREAS, in 1939 he married Josephine Ribando who together were blessed with two daughters and a marriage that lasted 72 years; and

WHEREAS, John, a portrait photographer, earned recognition as a "Master of Photography" and in 1952 relocated his family to the Town of Poughkeepsie where he built and opened a successful studio which became the John Lane Gallery; now therefore be it

RESOLVED, the Town Board is inspired by John's zest for life and offer him their sincere best wishes for continued good health and happiness; and

BE IT FURTHER RESOLVED, that an originally signed proclamation be forwarded under the Great Seal of the Town of Poughkeepsie, Dutchess County, State of New York, to Mr. John Freni.

DATED: Poughkeepsie, New York
April 8, 2015

BY: TODD N. TANCREDI, Supervisor

Mr. Freni spoke and said that he was grateful for all this acclaim being given him. "I wonder what is going to happen when I get old!"

Town Supervisor Tancredi stated that there are four items on the Town Board Agenda and he read the four items and then asked if anyone wished to speak on any of these items.

Motion made to suspend the rules for public comments on agenda items: Supervisor Tancredi/J. Baisley

CARRIED: 6-0

Doreen Tignanelli: I have a question, I see we have two attorneys' here tonight and I know that Mr. Nelson had a conflict with Fairview Commons and so are we the taxpayers paying for two attorneys here tonight?

Supervisor Tancredi: We are paying Mr. Mackey for the issues concerning Fairview Commons Documents and he is being paid out of Escrow. Adrienne is for all the other.

Motion made to resume the rules: Supervisor Tancredi/J. Conte

CARRIED: 6-0

Motion made to move item #3 to #1: M. Cifone/W. Carlos

CARRIED: 6-0

Supervisor Tancredi: Item #3 on the agenda is the appointment of a new Councilman. Last week Councilman Krakower was appointed to serve as one of our new Justices, one of our Justices retired and so Stephan was appointed to fill the rest of that term and now tonight we are going to elevate the Fifth Ward Planning Board Member who served on the Planning Board for a number of years and we are going to now ask Mr. Lepore if he would accept the position for the Fifth Ward Councilman and I believe he is willing to do that, based on the fact he is here tonight in a suit. So, I would actually like to swear Joe in tonight and get him signed up so he can take his seat.

04:08-03 APPOINTS

Fifth Ward Councilperson

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Joseph Lepore to fill the unexpired term of Stephan Krakower as Fifth Ward Councilperson through December 31, 2015.

SO MOVED: J. Baisley/J. Conte

Councilwoman Shershin: This is no reflection on Joe at all, but I've been approached by some constituents that were concerned that there was a mad rush to fill this seat and they would have rather seen a more open process where there maybe was a committee and to advertise the opening, took resume's from the community of other people who were interested.

Supervisor Tancredi: Were these Fifth Ward constituents?

Councilwoman Shershin: Well no, they were all over the place, so—

Supervisor Tancredi: I can appreciate that Ann, but my view is, I think the Fifth Ward constituents and the residents of the Fifth Ward need representation and need it immediately and so we have a candidate, in my mind, that is the perfect candidate. He is experienced, and he has shown a willingness to serve his community by his work on many Boards and not-for-profits and so with his experience as Fifth Ward Representative on the Planning Board, I think is the perfect position to accept the seat and as with Councilman Krakower going to the Justice's position, this is an election year and so the residents, if they should choose, have a right to get their name on the ballot this fall and if they are interested run or make their choices known for all of us for that matter, and so I see no reason to wait and I want to make sure that the Fifth Ward is well represented from today forward.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, And Supervisor Tancredi

Nays: Councilwoman Shershin

CARRIED: 5-1

Supervisor Tancredi asked Joseph Lepore to come up and be sworn in and he was sworn in by Supervisor Tancredi.

**04:08-01 AUTHORIZE
SUPERVISOR TO SIGN**

Fairview Common Documents

Supervisor Tancredi stated this was a Resolution regarding the Fairview Common Documents and the resolution spells out the different items that are in it and a lot of which were seen before, like sidewalk, construction, etc. and he asked Neil Wilson if

there was anything special he may like to make the Board aware of, to please come up and talk about it.

Neil Wilson: As you mentioned, the Stormwater Agreements are very standard and the sidewalk maintenance agreement is standard. The ones that are sort of atypical, there are actually three, two of those are requirements of the Code for the PROD Designation. One is the Stand by Tax Agreement PILOT agreement that we discussed earlier. The second one is actually the declaration that incorporates provisions to insure that the open space, which is a considerable amount on the property and it remains open space and not available for development and also includes a provision of a non-residential component and an office facility that is part of that and can not later be converted into residential units. So, that's what the declaration covers. The declaration also includes a provision, which I will defer to Josh in just a minute, that basically requires the units to be available for market rate rents by anyone, in other words, they can't be reserved for any particular income or demographic group and that was a provision we think offered some additional protections to the Town to prevent a later conversion to a "Not For Profit" type of operation because a "Not for Profit" presumably would be formed for a particular purpose to serve a particular demographic or income group and so in other words, the units must be made available for rent by anyone without regard for whether they are part of a protected group or not. The other one is the sewer agreement. There is a force main on this property and there is a pump station, that when you look at it, we've had issues before where when the pump stations fail, even though these are private facilities, the first call they make is to the Sewer Department, and if it is an emergency situation, our sewer guys are great, they get out there and take care of it, but in some instances, we don't actually have a legal right to enter onto the property to take care of it nor to charge back the Town's time to do so. So, in this case, I thought it prudent to include the easement and maintenance agreement for the sewer facility in the event there is a failure, there is a backup, a problem that needs to be solved and the owner of the property is not taking care of it and our guys need to go in and take care of it, we have the right to get onto the property, to undertake the repairs and to charge back the cost of doing so. So, those are the three provisions.

Josh Mackey: Thanks' Neil, I think you summed it up pretty much. There is a provision in the Declaration of Covenants that addresses the use of the property as you probably know, the Declaration will be recorded. It runs with the land in perpetuity and so it will bind not only these current owners but any of their successors or assigns. The provision we are talking about is on the second page of the restrictive covenant. (1) Which reads the Property for long as it be used for any residential purpose as permitted by the Town of Poughkeepsie shall be occupied by those individuals comprising of the general public at large and not limited to occupancy by any particular body, organization, corporation, group, class or category of occupants. The intention of this language was to avoid Marist College or other not-for-profit that would be focused on one particular group of people. The language is quite clear it says " it shall be occupied", it doesn't say that the

owners will attempt to market it to the general public. It says, in black and white, that it will be occupied by ANY resident that wishes to move there, not just a student or someone receiving special services.

Councilman Carlos asked Josh to go back over the payment in lieu of tax agreement.

Josh: That also is a similar type of protection here which is basically if they do convey ownership of this property, that purchaser will agree to the terms of this PILOT as well.

Councilman Carlos: And that would be also passed down through the (inaudible).

Josh: Correct. To put as many layers of protection addressing those concerns about it falling into the hand of a not for profit as we possibly could.

Neil Wilson: That language is actually very similar to a similar stand by pilot agreement that was required for the Emeritus Project under construction on Spackenkill and Boardman Road.

Councilman Carlos: I think it is really important considering the concerns that were expressed to the Board about this piece of property. So, between those two items, that concern should be pretty well addressed.

Neil Wilson: I think we've done what we can to protect the Town as well as the Fire District and taxpayers.

Councilman Carlos: I agree.

Councilman Cifone: It's a good project and a lot of work went into it by a lot of people and I appreciate it and you know, we've tried to market that property in a lot of different ways and this is the best we can come up with at this point, because it is close to Route 9, but it's not on Route 9.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Maintenance Easement in regard to the project known as Fairview Commons; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement, Payment In Lieu of Taxes (PILOT) Agreement, Easement Agreement for Water Building and Lines, Temporary Sidewalk/Street Construction License Agreement, Sanitary Sewer Facility Inspection and Maintenance Agreement, Land Banked Parking Agreement

and a Declaration of Restrictive Covenants and any supporting recording documents in regard to the Fairview Commons project, in substantially the form attached; and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of all final documents by the Town Attorney, Planning Board Attorney, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

SO MOVED: W. Carlos/J. Conte

ROLL CALL: Ayes: Councilman Baisley, Carlos, Conte, Cifone, and Supervisor Tancredi

Nays: None

Abstain: Councilman Lepore

CARRIED: 6-0-1

**RESTRICTIVE COVENANTS ATTACHED TO
FINAL BOOK COPY**

04:08-02 AUTHORIZE

SUPERVISOR TO SIGN

**Contract For Median Maintenance
For Routes 9 And 55**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, having reviewed the recommendation of the Recreation Director, annexed, does hereby authorize the issuance of a contract for the application of pre-emergent weed control on the Route 55 (Burnett Boulevard west to Wappinger's Creek/Town line) and Route 9 (Sharon Drive south to Barnes & Noble) medians to Neave Group at the price of \$2,134.00 for the remainder of 2015, and

BE IT FURTHER RESOLVED, and the Town Board further finds that it would not be in the best interest of the Town to solicit alternative proposals or quotations for such service; and

BE IT FURTHER RESOLVED, that the Supervisor is authorize to execute contract agreements with the above noted company upon receipt of the required insurance certificates; and

BE IT FURTHER RESOLVED, that the Town Board does hereby determine that this is a Type II Action requiring no environmental review.

SO MOVED: J. Conte/W. Carlos

Supervisor Tancredi: The only comment I have is we did get alternative proposals, I think that may be an oversight by the Legal Department. We called three

companies and we have written estimates from two others and Neave was the lowest quote for this particular job.

Councilman Baisley: I just want to thank you and Tom for jumping on this because as we discussed before, if you don't get it early in the Spring, it's a battle and the fact that these guys jumped right on this within a week or so, it was nice we got it back so quick.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None **CARRIED: 7-0**

MEDIAN CONTRACT ATTACHED TO FINAL BOOK COPY

04:08-04 AUTHORIZE

Special Consents SC 1

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

1. Notification

**The following claim has been referred to
The Legal Department**

1. Monroe v. Town

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None **CARRIED: 7-0**

04:08-SC 1 NOTIFICATION

**The Following Claim Has Been
Referred To The Legal Department
1. Monroe V. Town of Poughkeepsie**

**APRIL 8, 2015
TOWN OF POUGHKEEPSIE
TOWN HALL
COMMITTEE OF THE WHOLE MEETING**

04:08-COW 01 PRESENTATION

**Route 9 Restaurant Rezoning
Kelly Libolt**

Presentation was given by Kelly Libolt on behalf of Page Park Associates for a project that they are considering at 2323 South Road (Route 9), which is zoned OR at the present time. The building was purchased in 2008. It is difficult to attract tenants for an OR Zone. They would like to market it to something such as a Medical Office. Page Park would like the Board to change the zoning to BH to attract businesses to the area. Many business opportunities withdrew due to the Zoning. One of the businesses they discussed locating there is a Texas Roadhouse Restaurant. Right now Page Park feels it best to remove the building and rebuild. The project and rezoning was discussed among Town Board members. Ms. Libolt and Neil Wilson provided information and clarification on the proposed project.

Supervisor Tancredi: For the most part, the Town Board seems receptive and we like what we see.

Supervisor Tancredi: Ok, the Town Comptroller has closed out 2014 and although we meet quarterly, the Comptroller and I and we monitor the Town Budget and keep an eye on things the best as we can. At the end of the year we meet with the Department Heads and review their Budgets. We are a big enough municipality and until the dust settles, it is hard to know for sure how things are looking year end and he's crunched the numbers and gone over them and he has assured me numerous times and I think he's got good news and 2014 ended up a positive year for the Town of Poughkeepsie in spite of the winter we had last year and he is going to share with you some financial information and data and answer any questions you may have.

04:08 COW 02 PRESENTATION

**By Town Comptroller-
2014 Fiscal Year**

Jim Wojtowicz gave a power point presentation about the close out for the year 2014 and where the Town stands financially. If all the numbers work out, the Town looks to be in pretty good shape. The auditors will be coming in around May 1, 2015 to start the process of reviewing the Towns Fiscal Records.

Councilman Lepore: Great presentation Jim. Great Budget, I think other Towns should be jealous of us. I noticed on the MTA tax, you had a Budget line up and then there was zero and then I noticed on the other slide you had a Budget of about \$36,000 and then \$6,000 spent. Is the Town paying the MTA tax?

Jim Wojtowicz: Yes, we pay the MTA tax. I just read recently that the libraries were able to come off. They took the School Districts off. But, we are still paying.

Councilman Conte: I just wanted to say that in these Finance-Budget Committee Meetings, we are banging department heads over their head and trying to get them to lower their Budgets, and although they know it hurts, they are able to do it and Jim you were saying about all the team players around here and it starts with you Todd, you are running a great Town and along with everyone else, but you are right, Joe, it's fantastic to see this kind of information come out and it really makes us a really strong town and I'm proud to be part of it.

Councilman Baisley: Every year we meet during Budget time and we used to always hear from government, buy it, spend it, hide it, throw it away. When our Department Heads came in, they've all been here for many years, they come in, and it's "we can work with this, we can work with Mark, we can work with somebody else to try to get something to come together" instead of going and battling heads like the first couple of years, it's become a real asserted effort among everybody here, including Jim, we need something, we call, we used to call other Towns and ask "how did you do this, how did you get this done?" We have actually been very good and if you look at the numbers, the numbers are coming down because it is a team effort, it's no longer the "Battle of the Butting heads" which it was the first few years where we always walked out, "we need this back from you", now it's come in, we gave you the best we could and it seems to be working and Todd stays above it on a monthly basis at monthly meetings so we don't get caught at the last second.

Supervisor Tancredi: On our Committee of the Whole Meeting, Councilman Carlos has arranged major road work finally going to be completed on Spring Road and this has been a project that the Town has been working on for probably seven years. It's Federal money and State money. We have Resident Engineer Keith Faucher here tonight from HVA Engineers to give us some ideas of the closures on Spring Road during the summer months in order to accomplish this work and so we wanted to try and make sure as much as possible that the residents are aware of what's happening there and some details on the work.

04:08-COW 03 PRESENTATION

**By Engineer-Spring Road
Closure/Detours**

Presentation was given by Keith Faucher from HVA. Keith discussed the upcoming closure of Spring Road, in the Town of Poughkeepsie, in order for the construction to take place. The road will be closed from April 13th, 2015 until some time late August. There will be barriers and signs and the road will be open for local traffic of the nearby areas only. It is expected that there will also be some delays on Vassar Road because the turn right onto Spring Road lane will be blocked off.

For a full view of all presentations, please visit our You Tube page located at our meeting page on the website.

Motion made to suspend the rules for public speaking: Supervisor Tancredi/M. Cifone
CARRIED: 7-0

Doreen Tignanelli: Regarding the Highway Budget. I had asked a couple weeks ago, because of the snow, overtime and all that, Jim went through that kind of fast. The Highway Department ended up still with surplus money?

Councilman Baisley: Last year, Doreen.

Supervisor Tancredi: We're talking about 2014, which ended in December, we were within Budget for 2014. You had asked a few weeks ago about 2015. 2015 is a little different story. We were over budget on salt at this point and subcontractors were a little over, working and the Highway Department was working with us to leave a few positions vacant to eat up some of that overage.

Doreen Tignanelli: But was there a surplus in 2014 for the Highway Department? (Yes) Then I wanted to clarify the vote for Fairview Commons. First Todd, you said 6-0 and then later it was 6-0-1. So, Councilman Lepore, you abstained? (Right) Was that because you had a business relationship with them? (No, not at all)

Supervisor Tancredi: I think Councilman Lepore- being his first night, he wasn't privy to previous discussions about these documents and covenants and he spoke to me earlier and said he thought he would abstain from that vote and I said "Fine".

Joe Armstrong: On this maintenance contract on Route 9 and 55, the amount of money that you said was for the rest of the year in maintenance?

Supervisor Tancredi: The amount of money that was in the Resolution strictly for this particular process and this is the application for a pre-emergent fertilizer, which has to get down technically within the next week or so and so we asked contractors for a price for that service and that is the lowest price we received.

Joe Armstrong: Well, who ever is doing the maintenance on South Road to me is not a good job, whatever they are doing.

Supervisor Tancredi: It's the company that came and did it last year and had told us they were not interested in doing it again this year and we have to seek someone else.

Joe Armstrong: The overgrowth looked lousy and it wasn't kept up and I assume that stuff was put in there to knock down the headlights from lane to lane, if that was the reason, I don't know, but it looks lousy. It's not well taken care of.

Supervisor Tancredi: That was courtesy of the State years ago.

Joe Armstrong: Ok, my other question is this rezoning on the old DuPont Building. I think one of the problems is the building itself was a lousy building to work with and I'm wondering if now that they've knocked it down if they ever tried to go to some of these outfits they tried to get before or if that's not a feasible thing to do because of the hoops they had to go through them or what.

Supervisor Tancredi: I think in general it was the Zoning Office Research. It's a struggle. It used to be a bigger industry especially in this area when IBM was in its heyday.

Joe Armstrong: Well, I understand, but there are other manufacturing I think... the taxes are going to go down for that particular property because of what's going to be on there.

Supervisor Tancredi: I don't think so, the building has been vacant for ten years and when a building is vacant, the assessment is lower because there is no use for it and now it will put it back basically into use and it will increase the taxable value of the property.

Motion made to resume the rules: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

Supervisor Tancredi made an announcement that Joe Lepore would be assigned to fill in for all Committee spots that were recently filled by Stephan Krakower, 5th ward Councilman who was recently appointed to take over for retiring Town Justice Paul Banner. Supervisor Tancredi also mentioned that he will be appointing Jon Jay Baisley as Deputy Supervisor to replace the remaining term of Stephan Krakower who held that position prior.

**COMMITTEE REPORTS
2015**

1. FINANCE

**VACANT
NO REPORT – Jim gave
Presentation**

2. FIRE ADVISORY

**Councilman Conte:
NO REPORT**

3. GOVERNMENT OPERATIONS

Councilwoman Shershin:

- | | |
|--|--|
| | NO REPORT |
| 4. LAND USE & PLANNING | VACANT,
NO REPORT |
| 5. PERSONNEL | Councilman Cifone:
NO REPORT |
| 6. RECREATION | Councilman Baisley:
Baseball starting April 18th |
| 7. SENIOR CITIZENS | Councilman Baisley:
NO REPORT |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Carlos:
NO REPORT |
| 9. INFRASTRUCTURE
(WATER, SEWER, HIGHWAY) | Councilman Carlos: |

Councilman Carlos spoke about three sewer main breaks that happened over the last month and how he has much appreciation for the staff of that department and how hard they worked to get things back up in working order again.

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

- 1. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.**
- 2. Matters leading to appointment, employment, dismissal or removal of person from a corporation and**

BE IT FURTHER RESOLVED, that there will be no action appropriating money.

SO MOVED: J. Baisley/B. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 7-0

TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 8:25 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 9:10 PM

TOWN BOARD MEETING CLOSED AT 9:11 PM

FS:lk